

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jay D. Kranzler and Srinivas G. Rao

Serial No.: Divisional of 10/028,547 Art Unit: Not Yet Assigned

Filed: July 18, 2003 Examiner: Not Yet Assigned

For: *METHODS OF TREATING FIBROMYALGIA SYNDROME, CHRONIC FATIGUE SYNDROME AND PAIN*

Assistant Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §1.56 and 37 C.F.R. §1.97, Applicants submit an Information Disclosure Statement, including four (4) pages of Form PTO-1449 and copies of ten (10) documents cited therein. Most of the documents cited below were cited by or submitted to the Patent Office in Application Serial No. 10/028,547, filed December 19, 2001, to which the present application claims priority. Pursuant to 37 C.F.R. §1.98(d), Applicants are not enclosing copies of these publications. Copies will be provided upon request, however. Copies of the newly cited documents, which are identified with an asterisk (\*), are enclosed.

This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(b) prior to a first Office Action on the merits. It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any required fees to Deposit Account No. 50-1868.

## INFORMATION DISCLOSURE STATEMENT

## U.S. Patents

<u>Number</u>	<u>Issue Date</u>	<u>Patentee</u>	<u>Class/Subclass</u>
5,621,142	04-15-1997	Mochizuki	564/164
4,478,836	10-23-1984	Mouzin	424/248.54
5,034,541	07-23-1991	Bigg	548/477
6,395,788	05-28-2002	Iglehart, III	514/654
6,441,038	08-27-2002	Loder, et al.	514/561

## Foreign Documents

<u>Number</u>	<u>Publication Date</u>	<u>Patentee</u>	<u>Country</u>
*0 759 299	02-26-1997	Eli Lilly & Co.	EP
*2 752 732	03-06-1998	Pierre Fabre Medicament	FR
WO 95/22521	08-24-1995	Asahi Kasei Kabushiki Kaisha	PCT
WO 97/35574	10-02-1997	Pierre Fabre Medicament	PCT
*WO 97/35584	10-02-1997	Eli Lilly & Co.	PCT
WO 98/08495	03-05-1998	Pierre Fabre Medicament	PCT
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*WO 99/59593	11-25-1999	Eli Lilly & Co.	PCT
*WO 00/32178	06-08-2000	Mueller	PCT
WO 01/26623	04-19-2001	Laxdale Ltd	PCT
*WO 02/053140	07-11-2002	Pharmacia & Upjohn Co.	PCT

## Publications

ARDID, et al., "Antidepressants and pain," *La Lettre de Pharmacologie* 13: 8 (1993).

Cypress Bioscience, Inc., Investor Fact Sheet, August 2001.

DRYSON, "Venflaxine and fibromyalgia," *NZ Med. J.* 113(1105): 87 (2000).

\*DWIGHT, et al., "An open clinical trial of venlafaxine treatment of fibromyalgia," *Psychosomatics* 39: 14-17 (1998).

GOODNICK, et al., "Psychotropic treatment of chronic fatigue syndrome and related disorders," *J. Clin. Psychiatry* 13-20 (1993).

MEDLINE, et al., "Treatment of chronic fatigue syndrome with sibutramine..." *PCT Int'l Appl.* 14 (09/28/2000).

NAGAOKA, et al., "Beneficial effects of a serotonin-noradrenaline reuptake inhibitor on fibromyalgia syndrome: a case report," *Med. Drug. J.* 37: 10 (2001).

\*NINAN, "Use of venlafaxine in other psychiatric disorders," *Depression Anxiety* 12S: 1:90-94 (2000).

NOGUCHI, et al., "Open channel block of NMDA receptors by conformationally restricted analogs of milnacipran and their protective effect against NMDA-induced neurotoxicity," *Synapse* 31: 87-96 (1999).

\*NUTT & JOHNSON, "Potential applications of venlafaxine," *Rev. Contemp. Pharmacother.* 9: 321-331 (1998).

\*RAO, "The neuropharmacology of centrally-acting analgesic medications in fibromyalgia," *Rheum. Dis. Clin. N. Amer.* 28: 235-259 (2002).

SHUTO, et al., "(±)-Z-2-(Aminomethyl)-1-phenylcyclopropanecarboximide derivatives as a new prototype of NMDA receptor antagonists," *J. Med. Chem.* 38: 2964-2968 (1995).

SHUTO, et al., "(1S,2R)-1-(phenyl-2-[(s)-1-aminopropyl]-N,N-diethylcyclopropanecarboxamide (PPDC), a new class of NMDA-receptor antagonist: molecular design by a novel conformational restriction strategy," *Jpn. J. Pharmacol.* 85: 207-213 (2001).

SHUTO, et al., "Synthesis and biological activity of conformationally restricted analogs of milnacipran: (1S,2R)-1-(phenyl-2-[(S)-1aminopropyl]-N,N-diethylcyclopropanecarboxamide, an efficient noncompetitive N-methyl-D-aspartic acid receptor antagonist," *J. Med. Chem.* 39: 4844-4852 (1996).

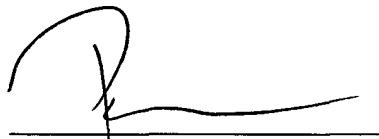
SHUTO, et al., "Synthesis and biological activity of conformationally restricted analogues of milnacipran: (1S,2R)-1-phenyl-2-[(r)-1-amino-2-propynyl]-N,N-diethylcyclopropane-carboximide is a novel class of NMDA receptor channel blocker," *J. Med. Chem.* 41: 3507-3514 (1998).

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Filed: July 18, 2003  
INFORMATION DISCLOSURE STATEMENT

**Remarks**

This statement should not be interpreted as a representation that an exhaustive search has been conducted or that no better art exists. Moreover, Applicants invite the Examiner to make an independent evaluation of the cited art to determine its relevance to the subject matter of the present application. Applicants are of the opinion that their claims patentably distinguish over the art referred to herein, either alone or in combination.

Respectfully submitted,



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Patrea L. Pabst  
Reg. No. 31,284

Dated: July 18, 2003

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Substitute for form 1449A/PTO		Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		Application Number	Divisional of 10/028,547
		Filing Date	July 18, 2003
		First Named Inventor	Jay D. Kranzler
		Group Art Unit	
		Examiner Name	
Sheet	1	of	4
		Attorney Docket Number	CYPR 100 CIP DIV

**U.S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>				
		EP	*0 759 299	Eli Lilly & Co.	02-26-1997		
		FR	*2 752 732	Pierre Fabre Medicament	03-06-1998		
		PCT	WO 95/22521	Asahi Kasei Kabushiki Kaisha	08-24-1995		
		PCT	WO 97/35574	Pierre Fabre Medicament	10-02-1997		
		PCT	*WO 97/35584	Eli Lilly & Co.	10-02-1997		
		PCT	WO 98/08495	Pierre Fabre Medicament	03-05-1998		

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		PCT	WO 98/36744		Pierre Fabre Medicament	08-27-1998		
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		ARDID, et al., "Antidepressants and pain," La Lettre de Pharmacologue 13: 8 (1993).	
		Cypress Bioscience, Inc., Investor Fact Sheet, August 2001.	
		DRYSON, "Venflaxine and fibromyalgia," NZ Med. J. 113(1105): 87 (2000).	
		*DWIGHT, et al., "An open clinical trial of venlafaxine treatment of fibromyalgia," Psychosomatics 39: 14-17 (1998).	
		GOODNICK, et al., "Psychotropic treatment of chronic fatigue syndrome and related disorders," J. Clin. Psychiatry 13-20 (1993).	
		MEDLINE, et al., "Treatment of chronic fatigue syndrome with sibutramine..." PCT Int'l Appl. 14 (09/28/2000).	
		NAGAOKA, et al., "Beneficial effects of a serotonin-noradrenaline reuptake inhibitor on fibromyalgia syndrome: a case report," Med. Drug. J. 37: 10 (2001).	
		*NINAN, "Use of venlafaxine in other psychiatric disorders," Depression Anxiety 12S: 1:90-94 (2000).	
		NOGUCHI, et al., "Open channel block of NMDA receptors by conformationally restricted analogs of milnacipran and their protective effect against NMDA-induced neurotoxicity," Synapse 31: 87-96 (1999).	
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		SHUTO, et al., "(±)-Z-2-(Aminomethyl)-1-phenylcyclopropanecarboximide derivatives as a new prototype of NMDA receptor antagonists," <i>J. Med. Chem.</i> 38: 2964-2968 (1995).	
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